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November 10, 2005

Via Express Mail No. EV627510304US

Mail Stop - Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application No.: 10/533,846
Title: Intervertebral Disk Prosthesis
Filing Date: May 4, 2005
Inventors: Jacques Beaurain, et al.
Group: TBA
Docket No. LDR/10/US / AK 159656

Dear Commissioner:

Please find enclosed for filing the following items:

1. Fee Transmittal for FY 2005 (with duplicate copy);
2. Response to Notification Of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)";
3. Copy of "Notification Of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)";
4. French Language "Declaration and Power of Attorney for Patent Application"; and
5. A return postcard for confirmation of receipt.

The Commissioner is hereby authorized to charge any fees deemed to be due or credit any overpayment to Deposit Account No. 50-3534, upon which the undersigned is authorized to sign.

Please return the postcard confirming your receipt of the enclosed materials.

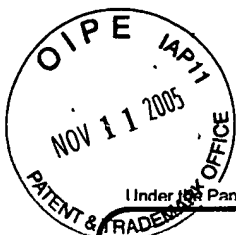
11/17/2005 MKAYPAGH 00000078 503534 10533846

01 FC:2615	275.00 DA
02 FC:2616	180.00 DA
03 FC:2617	65.00 DA

Very truly yours,

J. Scott Denko
Registration No. 37,606

JSD/at
Enclosures



Rec'd PCT/PTO 11 NOV 2005

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 520)**Complete if Known**

Application Number	10/533,846
Filing Date	October 31, 2003.
First Named Inventor	JACQUES BEAURAIN, et al.
Examiner Name	TBD
Art Unit	TBD
Attorney Docket No.	LDR-10-US/AK 159656

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-3534 Deposit Account Name: Andrews Kurth LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**

_____ - 20 or HP = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

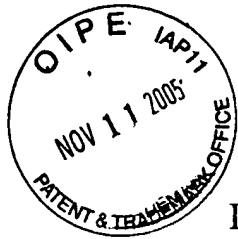
Non-English Specification, \$130 fee (no small entity discount)

Other: Additional Claim Fees, Surcharge - Late filing fee, search fee, examination fee or oath or declaration **Fees Paid (\$)** 455 and 65**SUBMITTED BY**

Signature		Registration No. 37,606 (Attorney/Agent)	Telephone 512-320-9200
Name (Print/Type)	J. Scott Denko	Date November 10, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Rec'd PCT/PTO 11 NOV 2005

U.S. Serial No.: 10/533,846

Attorney Docket No.: LDR/10/US / AK 159656

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/533,846
Title: Intervertebral Disk Prosthesis
Inventor: Jacques Beaurain, et al.
Assignee: LDR Medical
I.A. Filing Date: October 31, 2003
Examiner: TBA
Group: TBA

CERTIFICATE OF MAILING UNDER 37 CFR §1.10

I hereby certify that this paper or fee is being deposited with the United States Postal Service via Express Mail EV627510304US addressed to Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450 on the 11th day of November, 2005.


Angela Trampel

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) dated September 27, 2005, enclosed please find a copy of the French Language "Declaration and Power of Attorney for Patent Application" signed by the inventors including Jacques Beaurain, Jean-Marc Fuentes, Jean-Marc Vital, Thierry Dufour, and Jean Huppert, in compliance with 37 CFR 1.63. In addition, the Commissioner is hereby authorized to charge the \$455 for additional claim fees and the \$65 filing fee to Deposit Account No. 50-3534. The Commissioner is also

authorized to charge the difference of any underpayments or credit any overpayments, to Deposit Account No. 50-3534 upon which the undersigned is authorized to sign..

Respectfully submitted,

ANDREWS & KURTH, L.L.P.

Date: Nov. 10, 2005

By: 

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Austin, Texas 78701
Telephone: (512) 320-9200
Facsimile: (512) 320-9292



11-14-05

PCT

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,846	Jacques Beaurin	LDR/10/US/AK159656

INTERNATIONAL APPLICATION NO.

PCT/IB03/04872

LA. FILING DATE	PRIORITY DATE
10/31/2003	

J Scott Denko
Andrews Kurth
111 Congress Avenue
Suite 1700
Austin, TX 78701

CONFIRMATION NO. 7881

371 FORMALITIES LETTER



OC000000017087150

Date Mailed: 09/27/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/04/2005
- Copy of Annexes to the IPER filed on 05/04/2005
- Small Entity Statement filed on 05/04/2005
- Request for Immediate Examination filed on 05/04/2005
- U.S. Basic National Fees filed on 05/04/2005
- Priority Documents filed on 05/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$455** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$455** for a Small Entity:

- Total additional claim fee(s) for this application is **\$ 455**

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- \$275 for 11 total claims over 20.
- \$180 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,846	PCT/IB03/04872	LDR/10/US/AK159656

FORM PCT/DO/EO/905 (371 Formalities Notice)

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